

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
**Washington, D.C. 20554**

In the Matter of	)	
	)	
Acceleration of Broadband Deployment	)	WC Docket No. 11-59
Expanding the Reach and Reducing the Cost	)	
of Broadband Deployment by Improving	)	
Policies Regarding Public Rights of Way and	)	
Wireless Facilities Siting	)	

**MOTION FOR EXTENSION OF TIME**

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## **MOTION FOR EXTENSION OF TIME**

Pursuant to 47 C.F.R. § 1.46, the National League of Cities (“NLC”), the National Association of Counties (“NACo”), the United States Conference of Mayors (“USCM”), the International Municipal Lawyers Association (“IMLA”), the National Association of Telecommunications Officers and Advisors (“NATOA”), the Government Finance Officers Association (“GFOA”), the American Public Works Association (“APWA”), and the International City/County Management Association (“ICMA”) (collectively, the “National Associations”) request an extension of time to file reply comments in the above-captioned proceeding.<sup>1</sup> Reply comments are currently due August 30, 2011. The National Organizations respectfully request an extension through and including October 31, 2011. Granting this extension will serve the public interest and allow a more complete record to be developed in this matter.

## **DISCUSSION**

While it is “the policy of the Commission that extensions of time shall not be routinely granted,”<sup>2</sup> such extensions are warranted when, among other things, the additional time will serve the public interest.<sup>3</sup> Here, an extension through and including October 31, 2011, would serve the public interest.

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<sup>1</sup> A description of each of the named organizations can be found in Exhibit A to the National Association’s comments in this matter filed on July 18, 2011.

<sup>2</sup> 47 C.F.R. § 1.46(a).

<sup>3</sup> *See, e.g., In the Matter of 1998 Biennial Regulatory Review — Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules*, 13 FCC Rcd. 13513 (July 23, 1998).

**A. An Extension Will Allow the National Associations To Take Steps To Inform Targeted Communities of Claims Against Them.**

In their opening comments, industry commenters specifically named or criticized the actions or policies of a number of local governments. The National Associations are taking steps to contact these jurisdictions and to notify them of the claims, a process that is time-consuming and difficult given the indefinite nature of the claims made, and the fact that few of the claims relate to any specific application or alleged delay in deployment. The initial efforts have shown (as we feared) that many communities are unaware of the industry's allegations. Worse, in several cases, the allegations are patently false: one industry commenter claims a delay in a community where it has never applied; another complains about differing standards in communities in the same general geographic area when, in fact, the area encompasses some 20,000 square miles. Even identifying a sample of the errors is difficult, and impossible in the time frame the Commission has set for this proceeding. The Commission should grant an extension to ensure that the National Associations have the opportunity to attempt to alert identified communities of criticisms levied against them.<sup>4</sup>

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<sup>4</sup> Of course, because many of the criticisms are so indefinite both as to time and to event, it may prove difficult to identify a person within a community who will be able make sense of the criticism, and many communities will be unable to respond. Indeed, certain allegations are so vague and open-ended as to defy direct responses. For example, PCIA and the DAS Forum list a number of local governments that have allegedly hired “problematic” consultants, but PCIA does not name the consultants, or provide any specific details about their work for these communities that it can link to unwarranted delay. *See* Comments of PCIA—The Wireless Infrastructure Association and the DAS Forum (a Membership Section of PCIA), WC Docket No. 11-59, at Exhibit B (filed July 18, 2011).

**B. An Extension Is Appropriate Based on the Complexity and Breadth of Issues Raised.**

An extension is also appropriate because of the complexity and breadth of the issues involved. This proceeding covers a wide range of State and local properties and sweeps in a wide array of practices. Several commenters have proposed that the FCC take actions that raise significant legal and factual issues, and put billions of dollars at stake for local governments.

Because of the number of commenters and the scope, complexity, and importance of the issues raised, there is good cause to extend the reply comment deadline. The requested extension may provide the Commission and the public with the benefit of a more comprehensive record, without causing an undue delay in the process.

**C. An Extension Is Appropriate Due to Intervening Events That Will Make Filing by August 30th Difficult.**

Several intervening events have also effectively shortened the reply comment period. In particular, local governments have had to divert significant resources to the Congressional and White House negotiations involving the debt limit. Since legislation raising the debt limit has now been signed into law, local governments must now take steps to advise their members of its impact on City/County budgets. In addition, four of the National Associations—IMLA, NATOA, APWA, and ICMA—have their national meetings shortly after the current reply comment due date.<sup>5</sup> During this period, these organizations' staffs will have limited abilities to assemble reply comments. Moving the

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<sup>5</sup> Specifically, IMLA's Annual Conference is September 11-14; NATOA's Annual Conference is September 20-23; APWA's International Public Works Congress & Exposition is September 18-21; and ICMA's Annual Conference is September 18-21.

reply comment deadline until after these national meetings will allow comments to be developed that will assist the Commission.

**D. An Extension May Allow for IAC Involvement in This Proceeding.**

Finally, the National Associations understand that the Commission will populate the Intergovernmental Advisory Council (“IAC”) and possibly hold its first meeting in September. Another committee, the Technological Advisory Committee, has been much discussed in the NOI and in the industry’s comments, but no local government members serve on this committee. The Commission would benefit if the IAC were involved in this process, as well. However, with the current August 30th reply deadline, it would be difficult for the Commission to obtain timely input from the IAC, and impossible for local governments to take any IAC input into account in their own reply comments.

## CONCLUSION

For the above reasons, the National Associations request that the Commission extend the deadline for reply comments in this matter from August 30th to October 31st.

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